JUVENILE CRIMINAL JUSTICE IN THE REPUBLIC OF NORTH MACEDONIA: A COMPARATIVE ANALYSIS OF NATIONAL LEGISLATION WITH EUROPEAN AND INTERNATIONAL STANDARDS

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Abstract

It is indisputable that, today, crime is one of the fundamental problems that society must confront in order to prevent it.
The problem becomes even more significant when minors are the perpetrators of criminal acts, given their specific age and the fact that their personalities are not yet fully formed.
Adolescence or the period of being a minor is a phase of human life characterized by development and accompanied by a wide variety of physiological and psychological changes. As an integral part of society, minors represent a relatively distinct world, with their own unique ways of being and specific reactions to stimuli from the outside world.
When addressing juvenile delinquency as a problem in order to approach it as effectively and productively as possible we must also take into account various other factors that play a dominant role. In this sense, juvenile delinquency presents itself as a chain of interconnected issues, with numerous factors embedded in its links that require resolution.
In most democratic states, juvenile delinquency and juvenile offenders are treated as a distinct category-encompassing substantive criminal law, criminal procedure, and the penitentiary system. Today, most modern states have specific legislation for juveniles, and specialized courts have been established to adjudicate cases involving juvenile offenders.
Furthermore, at the international level, numerous conventions, rules, ordinances, recommendations, guidelines, and standards concerning children's rights have been adopted, with the aim of harmonizing national legislation and practices regarding the handling and treatment of juvenile offenders.

Keywords: juvenile delinquency, national legislation, international conventions

I. Introduction

Unacceptable social behavior among young people consistently draws the attention of the broader public and, in particular, that of professionals as evidenced by the prominent role such behavior plays within the system of repressive and preventive responses to criminal and, more generally, deviant phenomena.
When addressing the issue of juvenile delinquency, it is indisputable that the approach must be multidimensional. This is because various factors exerting influence with varying degrees of intensity can affect both the emergence of juvenile delinquency and the way in which society and the state respond, whether through preventive or repressive measures.
Every society has a vested interest in utilizing preventive measures implemented by institutions, associations, and other stakeholders involved in the upbringing and education of children and juveniles to curb delinquent behavior. Unfortunately, however, it is impossible to completely eradicate this phenomenon through preventive measures alone. Consequently, the application of repressive measures becomes unavoidable in order to successfully combat a problem that, if left unchecked, could, in the longer trails, inflict irreparable harm upon society as a whole.
Most democratic states have specific laws addressing criminal behavior by minors, and some even have specialized courts for the adjudication of cases involving minors. Furthermore, a

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number of international instruments have been adopted that regulate the subject of juvenile delinquency, as well as the manner in which minors are to be treated.
In our country, the approach taken toward children at risk as well as children who have committed acts classified by law as criminal offenses or misdemeanors is governed by the provisions of the Law on Juvenile Justice.[1] This law is in accordance with Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.[2]

II. National Legislation

Prior to the adoption of the Law on Juvenile Justice in 2007, matters concerning juvenile delinquency were addressed within the Criminal Code of the Republic of Macedonia, which focused exclusively on the imposition and execution of sanctions against juveniles. The adoption of the Law on Juvenile Justice introduced measures for assistance and protection applicable to children at risk. In addition to a repressive approach to combating juvenile delinquency, the Law also includes provisions for the prevention of such delinquency. The 2007 Law on Juvenile Justice of the Republic of Macedonia incorporates as both a foundational framework and a source of concrete solutions, a significant number of the most relevant international conventions and instruments dedicated to the protection of children and the safeguarding of their rights and freedoms.[3] The adoption of a specific law on juvenile justice introduced a new approach to dealing with minors. In addition to the measures and sanctions already provided for in the Criminal Code, the Law on Juvenile Justice established interventions aimed at the prevention of juvenile delinquency. The specialized, preventive, and (re)educational orientation of juvenile criminal law determines the nature, functions, and objectives of the system of sanctions under the Law on Juvenile Justice. Educational measures serve as the primary sanctions, while formal punishments and alternative measures play a secondary, residual role. Educational measures function as tools for prevention and socialization; they provide a legal framework for the community to engage in supporting and caring for the minor, while fostering the development of positive traits within their personality. Consequently, punishment as a secondary sanction is applied only in cases of serious offenses, provided that the juvenile bears criminal responsibility and the imposition of security measures is not deemed appropriate. Since sanctions for juveniles are shaped by the individual's personality and their need for education, support, and supervision, the fundamental principle of juvenile criminal law and the one that takes precedence is the principle of individualization (Kambovski, 2007).
Among the key principles of this law were the protection of the rights of minors, the prevention of juvenile delinquency, resocialization, and the implementation of alternative measures instead of imprisonment, where appropriate.[4]
This law underwent amendments in August and December 2008, as well as an amendment in 2010.[5]
In 2013, the Law on Juvenile Justice was adopted, which addressed in greater detail the legal status of children at risk, children who commit punishable acts, and children who are victims

[1] Law on Justice for Children, Official Gazette of the Republic of North Macedonia, No. 66/2024
[2] Law on Justice for Children, Official Gazette of the Republic of North Macedonia, No. 66/2024
[3] Law on Justice for Children, Official Gazette of the Republic of North Macedonia, No. 87/2007
[4] www.pravda.gov.mk
[5] www.Idbis.pravda.gov.mk

of criminal offenses.[6] This law was amended in July 2019, specifically regarding the obligation of municipal mayors to propose the appointment of municipal councils for the prevention of juvenile delinquency. A further amendment and supplement to this law was introduced in December 2019, among the issues addressed in this reform was the regulation of free legal aid for children.

A new law on juvenile justice was adopted in 2024, replacing the 2013 law. This law constitutes the current legal framework for addressing the situation of children at risk, as well as children who commit acts defined by law as criminal offenses, and for protecting their rights within the relevant proceedings. This reform aims to strengthen child protection and align national legislation with international standards.[7]

This law introduced significant changes to the legal treatment of children in conflict with the law, as well as child victims and child witnesses.

The current law governing the scope of juvenile criminal justice contains several innovations aimed at improving the position of children who come into conflict with the law. These include the principle of the best interests of the child; provisions focused on strengthening restorative justice and enhancing the procedural rights of the child; the requirement to inform children of their rights in writing and in a manner they can understand; more direct regulation of court actions in proceedings involving children in conflict with the law; expanded protections for child victims; a more child-appropriate approach; inter-institutional cooperation; and alignment with European and international standards.[8]

Protecting children's rights within the justice system constitutes one of the most urgent challenges for contemporary legal frameworks.[9]

The law aims to ensure that the juvenile justice system becomes more child-friendly, and that children have equal access to an impartial justice system in cases where their rights are violated or where they are denied the rights to which they are entitled.[10] The law should function as a mechanism that protects and ensures children's rights, their dignity, and their best interests.

The current law on juvenile justice emphasizes the need for more frequent use of informal approaches to resolving situations involving children which entails the interaction and active involvement of a broader range of stakeholders, including parents, the child's school, and Centers for Social Work, while stipulating that criminal proceedings against children should be initiated only in cases involving the most serious criminal offenses (Lazhetik et.al :2025).

The juvenile criminal justice system must meet the standards derived from fundamental rights, be tailored to the needs of children, and remain proportionate both to the specific circumstances and to the offense in question. Nevertheless, it is necessary to look beyond mere rights—which, while essential, are not in themselves sufficient to establish a justice system that is truly child-friendly for minors in conflict with the law. Instead of relying on punishment and its retributive intent, it is imperative to employ alternative approaches to conflict resolution for these children, with the aim of preventing them from becoming trapped in the vicious cycle of criminal proceedings.[11]

[6] www.Idbis.pravda.gov.mk & State Council for the Prevention of Juvenile Delinquency and Justice – Law on Juvenile Justice – Consolidated Text – Official Gazette of the Republic of Macedonia, No. 148/2013, No. 152/2019, and No. 275/2019

[7] www.Idbis.gov.mk&www.unicef.org & www.mtsp.gov.mk

[8] www.unicef.org & Advanced legal framework for justice for children in conflict with the law and pentienetiary institutions for children, Gordana Lažetić; Elena Mujoska Trpevska, Justinianus Primus Law Review, 2026, Vol.17, Issue 1, 27.05.2026

[9] Advanced legal framework for justice for children in conflict with the law and pentienetiary institutions for children, Gordana Lažetić; Elena Mujoska Trpevska, Justinianus Primus Law Review, 2026, Vol.17, Issue 1, 27.05.2026, pg.53

[10] www.unicef.org

[11] Modul trajnimi për avokatët mbi "Drejtësinë miqësore për të miturit dhe veçanërisht rolin e avokatit në përdorimin e programeve të drejtësisë restauruese dhe masave të shmangies nga procesi penal për fëmijët në konflikt me ligjin", Av.Rrezarta Abdiu LLM&Naureda Bajraktari, Tiranë, fq.1

III. International and European Standards

The importance of the field of juvenile justice—specifically the manner in which children at risk and children who engage in conduct contrary to legal norms are treated is underscored by the fact that various international bodies and institutions have adopted a number of documents that are binding upon the states that ratify them. Most democratic states not only adhere to these standards when dealing with children at risk and children in conflict with the law, but also incorporate them into their own domestic legislation. As our country pursues its European path and harmonizes its domestic legislation with that of the European Union, it has continued this trend through the adoption of the 2024 Law on Juvenile Justice. This law is in line with Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, as well as Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, which establishes minimum standards on the rights, support, and protection of victims of crime and replaces Council Framework Decision 2001/220/JHA.

Directive (EU) 2016/800 marks a significant step taken by the EU to ensure that children involved in criminal proceedings are treated with special care and attention. The foundation of this Directive lies in the protection of vulnerable groups, such as children, whose needs differ from those of adults. It provides detailed regulations regarding how children are informed, how they are questioned, and the rights they are entitled to throughout the proceedings (Buzharovska et al., 2025).

Directive 2012/29/EU of the European Parliament and of the Council, which establishes minimum standards on the rights, support, and protection of victims of crime, serves as a key instrument for promoting victims' rights and has had a significant impact on the legislation of EU Member States (Buzharovska et al., 2025).

In this context, we should also mention other documents concerning children's rights that have universal application.

- The United Nations Convention on the Rights of the Child (1989): This convention establishes a framework of children's rights and emphasizes that the child's best interests must be a primary consideration in all actions undertaken by public and private institutions, courts, or other bodies. States are obligated to provide protection and care for a minor—which is essential for their development—while also recognizing the rights and responsibilities of parents and other individuals who are legally responsible for the minor (Kambovski et al.: 58).
- The Beijing Rules (1985): These stipulate that the objective of juvenile justice should be to emphasize the well-being of the minor and the principle of proportionality—ensuring that any response to juvenile offenders is always proportionate to the circumstances of both the offender and the offense (5.1). These Rules also provide for key procedural guarantees, such as the presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to legal counsel, the right to have a parent or guardian present, the right to cross-examine witnesses, the right to appeal to a higher authority, the maintenance of confidentiality throughout all stages of the proceedings, and the protection of privacy. The Standard Minimum Rules are intentionally formulated to be applicable across diverse legal systems, while simultaneously establishing minimum standards for the treatment of juvenile offenders—encompassing all definitions of a "juvenile" and all systems that deal with juvenile offenders.
- The Riyadh Guidelines (1990) place special emphasis on preventive policies by facilitating the improvement of social relations and the integration of all children and young people—specifically through the family, the community, schools, vocational

training, employment, and voluntary organizations. Due regard must be given to the proper personal development of young people, and they should be accepted as worthy partners in the process of improving social relations.

- The Havana Rules (1990): Under these rules, communities should demonstrate an increased and strengthened commitment to the administration of criminal justice—particularly in the treatment of offenders—by prioritizing non-custodial measures and other alternatives. This approach aims to reduce the use of imprisonment and rationalize criminal justice policy with a view to upholding human rights. The Havana Rules also establish higher, specific standards that should be incorporated into national legislation (Kambovski et al. 164).
- The Vienna Guidelines (1997) aim to implement the Convention on the Rights of the Child and pursue the objectives set forth therein regarding children within the context of juvenile justice administration. Furthermore, they provide guidance to states to ensure the effective implementation of the Convention on the Rights of the Child and other relevant instruments.[12]
- According to the United Nations Guidelines (2005) aimed at ensuring justice for child victims and witnesses of crime, professionals and other individuals responsible for the well-being of these children must uphold principles such as dignity, non-discrimination, the best interests of the child, protection, harmonious development, and the right to participation.[13]

In addition to documents with universal scope and application, one must also mention regional instruments adopted by the Council of Europe and the European Parliament, such as: the European Convention on the Exercise of Children's Rights (1996)—which seeks to promote children's rights in family and civil proceedings (e.g., the right to be heard and to have a legal representative)—and the Council of Europe Guidelines on Child-Friendly Justice (2010). The latter is a key European document stipulating that the justice system must be accessible, age-appropriate, expeditious, and focused on the best interests of the child. Furthermore, there is a range of conventions and guidelines that carry legal implications for our country either through their direct application (once ratified by the Parliament) or through the harmonization of our domestic legislation.

In European law, there exists an extensive body of legal norms addressing the protection of children's rights and interests across various spheres of relationships such as those pertaining to criminal, civil, family, and labor law, among others. In summary, the aforementioned documents emphasize the following: the well-being of the minor, ensuring that any response to a convicted minor is always proportionate to the individual's circumstances and the nature of the criminal offense; the promotion of the minor's reintegration and the restoration of a constructive role in society; and the development of alternatives to imprisonment, institutionalization, or custodial care (including during ongoing legal proceedings) in order to prevent the commission or recurrence of crime (Gjolena, 2017).

An examination of international instruments concerning juvenile justice reveals a consistent objective: to distinguish juveniles and their involvement in crime from adult offenders. This approach necessitates heightened care when a juvenile's actions bring them into conflict with the law. Furthermore, it requires the engagement of all parties who interact with juveniles at various stages ranging from state institutions (when juveniles are implicated in unlawful acts) and educational institutions (such as schools) to their families and social circles. All these stakeholders must take appropriate measures to foster an environment for children and young

[12] UNODC, United Nations Office on Drugs and Crime, https://www.unodc.org/e4j/es/crime-prevention-criminal-justice/module-13/key-issues/3--justice-for-children.html

[13] UNODC, United Nations Office on Drugs and Crime, https://www.unodc.org/e4j/es/crime-prevention-criminal-justice/module-13/key-issues/3--justice-for-children.html

people that steers them away from dangerous behaviors and guides them toward activities beneficial to their growth and development. States are encouraged to focus their interventions regarding children on preventive measures; however, in cases where formal proceedings and the imposition of specific measures are unavoidable, these should be educational or alternative measures aimed at the child's re-education and re-socialization. The imposition of punitive sanctions should be used only as a last resort when minors come into contact with the law.

IV. Conclusion

A brief analysis of the key aspects of the legal provisions currently in force in the Republic of North Macedonia, as well as international instruments concerning children's rights, reveals that from a legislative perspective the country has continuously evolved since the adoption of the Law on Juvenile Justice in 2007. This evolution has involved incorporating international standards for juvenile justice into domestic law, aiming for a comprehensive approach to this phenomenon an issue that, in my view, is of great importance to any society. This is because young people represent the future of every nation; if, upon their first conflict with the law, we fail to take measures for their re-education and resocialization with the goal of reintegrating them as productive members of society then we have failed both as a society and as a nation. The Law on Justice for Children establishes competent bodies for prevention, aimed at strengthening mechanisms at both the central and local levels to prevent juvenile delinquency and provide support to children at risk. One such body is the State Council for the Prevention of Juvenile Delinquency, which serves as the highest national authority in this field. It coordinates preventive policies, analyzes the situation at the state level, proposes legislative amendments, and monitors the implementation of national strategies for child protection. There are also Municipal Councils for the prevention of juvenile delinquency local bodies that every municipality is legally required to establish. These councils consist of representatives from the municipality, schools, the police, social services, and NGOs. They develop local programs to identify children at risk and implement preventive activities within the community. Educational institutions specifically schools play a primary preventive role through pedagogical and psychological services; they identify minors exhibiting deviant behavior, collaborate with parents, and refer cases to Centers for Social Work. In addition to their functions during judicial proceedings, these Centers for Social Work engage in prevention by providing family counseling, material support, and protection for children growing up in adverse social environments (children at risk).[14] The 2024 Law on Juvenile Justice shifted the approach toward the child's family. Specifically, the long-term goals of special prevention are emphasized through the active involvement of the family of an child at risk in all forms of intervention aimed at strengthening the family as an institution (Buzharovska et al., 2025). It should be noted that, given the purpose of the Law on Juvenile Justice which emphasizes that the law’s objectives and implementation are aimed at realizing the best interests of the child; protecting children from crime, violence, and any form of threat to their freedoms, rights, and proper development; addressing children who have committed acts defined by law as criminal offenses or misdemeanors (including the prevention of recidivism); facilitating their socialization, education, and re-education; providing assistance and care; and safeguarding their freedoms and rights during proceedings before courts and other bodies it can be concluded that the authorities empowered by this law to deal with children who come into contact with the law are, in fact, specialized bodies dedicated specifically to working with children. Within the regular court system, cases involving juveniles are handled by judges for juveniles. Furthermore, the Law on Criminal Procedure grants the public prosecutor’s office specific

[14] Law on Justice for Children, Official Gazette of the Republic of North Macedonia, No. 66/2024

authority when dealing with children who come into conflict with the law; prosecutors are guided by the principle of reasonableness, allowing them based on the circumstances of a given case to refrain from initiating proceedings altogether if doing so is in the best interest of the juvenile (Sahiti & Zejneli, 2017). Within the Ministry of Internal Affairs, there are specialized police units staffed by personnel specifically trained to work with juveniles. Under the law, the Center for Social Work also plays an active role, both during judicial proceedings involving juveniles and in overseeing the implementation of educational measures imposed upon them.
Despite the fact that our country possesses a consolidated legal framework in line with international standards, the practical implementation of these laws remains a significant challenge. Having qualified and professional staff to work with minors requires state policies and the institutional commitment of all relevant mechanisms to ensure the best interests of the child.[15]

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